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**In the Matter of:**  
*Allan Chiocca vs*  
*Town of Rockland, et al.*

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*John Clifford, Esq.*  
*September 15, 2021*

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Allan Chiocca vs  
Town of Rockland, et al.

John Clifford, Esq.  
September 15, 2021

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1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF MASSACHUSETTS  
3 CIVIL ACTION NO. 1:19-cv-10482-WGY

4 -----X

5 ALLAN CHIOCCA,

6 Plaintiff,

7 v.

8 TOWN OF ROCKLAND, DIERDRE HALL,  
9 EDWARD KIMBALL, LARRY RYAN,  
10 MICHAEL MULLEN, JR., MICHAEL  
11 O'LOUGHLIN, RICHARD PENNEY and  
12 KARA NYMAN,

13 Defendants.

14 -----X

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DEPOSITION OF JOHN CLIFFORD, ESQUIRE

Conducted Remotely

31 Schoosett Street

Unit 405

Pembroke, Massachusetts

September 15, 2021

9:09 a.m. to 1:18 p.m.

21

22

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24

Reporter: Laurie J. Berg, CCR, RPR, CRR, CLR, CER

Page 2

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Edward Kimball

(Present via videoconference.)

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## I N D E X

DEPONENT: JOHN CLIFFORD, ESQUIRE

(Present via videoconference.)

## E X A M I N A T I O N PAGE

(BY ATTORNEY COOPER) 9,142

(BY ATTORNEY CROTTY) 84

(BY ATTORNEY FRIEDMANN) 91

## E X H I B I T S

NO. PAGE

Exhibit 1 E-mail Chain, Thursday, July 12, 2018

at 10:15:47 AM Eastern Daylight Time,

AC00513 to AC00515 74

Exhibit 2 Investigation of Complaints Against

Deirdre Hall and Allan Chiocca, Findings

of Fact, Conclusions and Recommendations,

July 2, 2018 (29 pages) 79

(Original exhibits marked electronically

and retained with the transcript.)

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## P R O C E E D I N G S

MADAM COURT REPORTER: This is Laurie

Berg. I am a Registered Professional Reporter and a

Certified Realtime Reporter with the National Court

Reporters Association, a Certified eDepoze Reporter,

as well as a Certified Court Reporter with the State

of New Hampshire. I am a Notary Public in the State

of New Hampshire and the Commonwealth of

Massachusetts.

The attorneys participating in this

proceeding acknowledge that I am not physically

present in the proceeding room, nor am I physically

present with the witness, and that I will be reporting

this proceeding remotely via videoconference.

They further acknowledge that, in lieu of an

oath administered in person, the witness will verbally

declare his testimony in this matter under the penalty

of perjury.

The parties and their counsel consent to this

arrangement and waive any objections to this manner of

reporting the proceeding.

Will the attorneys now please indicate your

agreement by stating your name and your agreement on

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the record, after which I will swear in the witness

and we may begin.

MR. COOPER: Morning. Howard Cooper, we

agree on behalf of Edward Kimball.

MS. ZUCKER: Ellen Zucker, agree on

behalf of Deirdre Hall, as Counterclaim Plaintiff.

MS. CIESLAK: Cindy Cieslak, agree on

behalf of Deirdre Hall, as Defendant.

MR. CROTTY: Jason Crotty, I agree on

behalf of the town defendants.

MR. FRIEDMANN: Jonathon Friedmann, I

agree on behalf of Allan Chiocca.

MR. COOPER: Counsel have stipulated that

all objections, except as to form, will be reserved to

the time of trial; motions to strike will, likewise,

be reserved to the time of trial. The witness will

have an opportunity to read and sign his deposition

within 30 days of its completion and fill out an

errata sheet. To the extent that a notary may be

required, that requirement is waived.

Does everybody agree to that --

MR. FRIEDMANN: Agreed.

MR. COOPER: -- including the witness?

MS. ZUCKER: Agreed.

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1 guys.

2 You know, to the degree that they were going  
3 back and forth with Allan, I didn't think it was  
4 anything serious, although Allan did seem to take a  
5 particular interest in one of them.

6 **Q. Did he say anything about it?**

7 A. Yeah, I think he was somewhat obsessed with  
8 her. You know, he was getting a real rise out of the  
9 fact that she was really chatting him up.

10 **Q. And did you -- do you recall anything he said**  
11 **to you in particular about her?**

12 A. Nothing in particular, no.

13 **Q. Now, at this point in April of 2018, you had**  
14 **been friends with Mr. Chiocca for over a decade; is**  
15 **that fair?**

16 A. That's correct.

17 **Q. And you had had an opp -- opportunity to**  
18 **observe him and listen to him talk about women; is**  
19 **that fair?**

20 A. Yes.

21 **Q. Did you regard Mr. Chiocca as a misogynist?**

22 MR. FRIEDMANN: Objection.

23 A. At -- at times, yes, I felt that he could be  
24 somewhat misogynistic. There's no question.

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1 **Q. Mr. Clifford, you and I have met before,**  
2 **haven't we?**

3 A. Yes.

4 **Q. We -- we met in your office a few weeks ago,**  
5 **right?**

6 A. Mm-hmm. Yes.

7 **Q. And I asked you the same questions that I'm**  
8 **asking you right now, right?**

9 A. I -- I think the term "misogynistic" is  
10 probably not as -- as clearly defined in my mind.

11 **Q. Okay. But --**

12 A. I considered Allan's attitude towards  
13 women -- Allan had a very, I'll call it, inflated  
14 sense of self of how women perceived him and how women  
15 would be attracted to him. And I think that's how he  
16 carried himself, that, to a degree, women of almost  
17 any age were somewhat -- you know, that he was  
18 irresistible to them, which -- I didn't see particular  
19 incidents of him treating women disrespectfully, but  
20 he definitely had a -- an attitude that he was, again,  
21 somewhat irresistible to women.

22 So I think the term "misogynistic" is a  
23 little bit -- may be too broadly defined, but that's  
24 how I would categorize his behavior.

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1 **Q. Okay. That is a word that you used --**

2 A. Correct.

3 **Q. -- when we met; is that right?**

4 A. I don't recall specifically.

5 **Q. Did you hear him make suggestive comments in**  
6 **your presence about young women?**

7 A. I would say, particularly at the Masters,  
8 what comes to mind is that, you know, the conversation  
9 between him and one -- one of the young women got  
10 pretty suggestive, pretty sexual.

11 **Q. What do you recall him saying?**

12 A. I -- I don't recall specifics.

13 **Q. Okay. Did Mr. Chiocca tell you, during the**  
14 **course of your decade-plus-long friendship, about his**  
15 **conquests with other women?**

16 MR. FRIEDMANN: Objection.

17 A. I don't recall him saying anything about  
18 having extramarital affairs or anything along those  
19 lines, so.

20 He always liked telling a story about how he  
21 was at his daughter's college and he stayed overnight.  
22 And, you know, a bunch of these young girls, they all  
23 ended up crashing in the same room, and he got a big  
24 kick out of the fact and bragged about the fact that

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1 all these young women were sleeping in the same room  
2 as he was.

3 **Q. Are you aware of Mr. Chiocca's alter ego**  
4 **of -- based on Bluto Blutarsky?**

5 A. Yes.

6 **Q. When did you first learn about that?**

7 A. The first time I was invited to his house, he  
8 had apparently named the bar down in his basement as  
9 -- as Bluto's Bar, named after the character Bluto  
10 Blutarsky from Animal House. And he actually had a --  
11 you know, a little -- a habit or a practice of -- he  
12 had these T-shirts made up with a picture of John  
13 Belushi that he would give to women who came to his  
14 house.

15 **Q. That he would give to who?**

16 A. To women that came to the house.

17 **Q. And what was your understanding of why he was**  
18 **doing that?**

19 A. I think it was just, you know, part of what  
20 he considered his persona. Just -- I mean, I didn't  
21 think there was anything overtly sexual or anything  
22 along those lines to -- to that.

23 **Q. Did he ever explain to you why he had**  
24 **admiration for Bluto Blutarsky?**

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1 MR. FRIEDMANN: Objection.  
2 A. No.  
3 **Q. Did you think it was unusual?**  
4 A. You know, I'd say it was somewhat consistent  
5 with his -- you know, his overall -- the character he  
6 liked to portray to keep as, you know, being a party  
7 guy, kind of being the big shot, et cetera.  
8 **Q. So, on your -- based on your observations,**  
9 **you observed him to be someone who thought he was a**  
10 **big shot; is that right?**  
11 A. Yeah. Yes.  
12 **Q. Have you ever seen mist -- or strike that.**  
13 **Withdrawn.**  
14 **In that regard, did Mr. Chiocca, to your**  
15 **observation, ever suggest to you that he was the**  
16 **puppet master of the board in Rockland?**  
17 A. I don't think he ever expressed it in those  
18 term -- in those terms. But I think he -- he felt  
19 like he could certainly heavily influence some members  
20 of the board.  
21 **Q. All right. Let me take the words, "puppet**  
22 **master."**  
23 **Did Mr. Chiocca express to you that he felt**  
24 **that he could influence certain members of the board**

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1 **while he was town administrator?**  
2 MR. FRIEDMANN: Objection.  
3 A. Yes.  
4 **Q. And which members of the board did you**  
5 **understand he was referring to?**  
6 A. At that time, I think he felt like he had a  
7 lot of influence over Michael Mullen, who was on the  
8 board, Larry Ryan and Mike O'Loughlin. He had  
9 expressed a -- a number of times he had expressed  
10 concerns about Deirdre Hall and disagreements with  
11 her. And -- and I don't think he ever thought that he  
12 had that much control or influence over Mr. Kimball.  
13 **Q. What would he say about the members of the**  
14 **board of selectpersons that he believed he had**  
15 **influence over?**  
16 MR. FRIEDMANN: Objection.  
17 A. He would say things to the effect that he  
18 really believed that, you know, he could push through  
19 whatever he considered important to him. And I think,  
20 at that time, that was probably one of the bigger  
21 problems; that it became much more about Allan's  
22 agenda than the board's agenda.  
23 **Q. Did you ever observe anyone push Allan**  
24 **Chiocca around?**

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1 A. No.  
2 **Q. Is he the type of person, to your**  
3 **observation, that anyone can push around?**  
4 A. No.  
5 **Q. Now, you mentioned that he expressed some**  
6 **level of hostility towards Deirdre Hall.**  
7 **Could you explain what you were referring to,**  
8 **please?**  
9 MR. FRIEDMANN: Objection.  
10 A. Ms. Hall had only recently come on the board.  
11 And I think she had certainly -- and I think the term  
12 is -- is misused in a lot of cases; she had an agenda  
13 coming in, I think. And that's what -- elected  
14 officials should have an agenda. They should have  
15 things that they're seeking to accomplish.  
16 But she came in and she was pretty  
17 strong-willed. And she had worked in government  
18 before, but she had things she wanted to see done.  
19 And she also had concerns that people had expressed to  
20 her that they had possibly -- possibly had been  
21 mistreated by Mr. Chiocca. So she came in with some  
22 pretty clear objectives and some things that she  
23 wanted to accomplish. And Allan was at odds with her  
24 almost right from the beginning.

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1 **Q. So let's talk about prior to May 1, 2018.**  
2 **Based upon your interactions with Ms. Hall,**  
3 **you understood her to have very real concerns about**  
4 **Mr. Chiocca; is that right?**  
5 MR. FRIEDMANN: Objection.  
6 A. That's correct.  
7 **Q. And based upon your observations of**  
8 **Mr. Chiocca, in your communications with him, he**  
9 **didn't much care for Ms. Hall; is that fair?**  
10 A. That's correct.  
11 **Q. And the reason that he didn't much care for**  
12 **Ms. Hall, as expressed to you, was that he didn't like**  
13 **the fact that he couldn't manipulate her; is that --**  
14 MR. FRIEDMANN: Objection.  
15 BY MR. COOPER:  
16 **Q. -- right?**  
17 MR. FRIEDMANN: Objection.  
18 A. He didn't like the fact that he couldn't  
19 control her, that she had her own ideas, that she had  
20 some specific things that she wanted addressed, and --  
21 and he disagreed with those.  
22 **Q. So I'd like to direct your attention to the**  
23 **morning of May 1st, 2018.**  
24 **As of that moment in time, could you have**

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1 conceived, in your mind, any plausible basis for the  
2 notion that Ms. Hall would voluntarily give  
3 Mr. Chiocca a blow job?  
4 MR. FRIEDMANN: Objection.  
5 A. Not in any way, shape or form.  
6 Q. Now, I'd like to ask you about the status of  
7 Mr. Chiocca's contract with the Town of Rockland as  
8 town administrator as of May 1, 2018.  
9 You understand I'm asking you that date and  
10 prior. Okay?  
11 A. Yes. Yes.  
12 Q. Now, as of that date -- well, strike that.  
13 Withdrawn.  
14 Prior to that date, had you discussed with  
15 Mr. Chiocca the matter of his contract?  
16 A. Yes.  
17 Q. And based upon your discussions, did you have  
18 an understanding that Mr. Chiocca believed his  
19 contract was a done deal?  
20 MR. FRIEDMANN: Objection.  
21 A. He -- he certainly believed it was a done  
22 deal.  
23 Q. And he expressed that to you, correct?  
24 A. Correct.

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1 Q. So, as of May 1, 2018, he had expressed no  
2 concerns whatsoever about the renewal of his contract  
3 to you, correct?  
4 A. He expressed no concerns that the board  
5 wouldn't renew it.  
6 Q. And, in fact, he believed the opposite, that  
7 it was in the bag, so to speak; is that right?  
8 A. That's --  
9 MR. FRIEDMANN: Objection.  
10 A. -- correct.  
11 Q. I'm sorry. I couldn't hear your answer.  
12 A. That is correct.  
13 Q. Now, how far in advance before the end of a  
14 contract would the town and the town administrator  
15 typically begin renewal or extension negotiations --  
16 (Noise interruption.)  
17 MADAM COURT REPORTER: I'm sorry, could  
18 you please repeat that? I didn't hear the end of the  
19 question.  
20 MR. COOPER: Sure.  
21 BY MR. COOPER:  
22 Q. In your experience, Attorney Clifford, how  
23 far prior to the termination of an existing contract  
24 would the town and the town administrator typically

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1 begin renewal or extension negotiations?  
2 A. It was very common -- it is very common in  
3 that business to start discussions before you went to  
4 the last year of a contract.  
5 Q. And had discussions with Mr. Chiocca started  
6 as of May 1?  
7 A. It's my understanding he had some informal  
8 discussions with the chair. But, at the same time all  
9 this was going on in the spring of 2018, Mr. Chiocca  
10 was openly expressing hesitation about whether he  
11 wanted another contract, whether he wanted to stay  
12 there. But he certainly believed it was a done deal  
13 that he was going to get one.  
14 Q. Did he tell you that he thought he might  
15 retire?  
16 A. Several times. He discussed retirement  
17 almost constantly.  
18 Q. With you?  
19 A. Yes, sir.  
20 Q. Did he say why he wanted to retire?  
21 A. He indicated that his wife was going to  
22 retire and he was -- actually, she did retire in June  
23 of 2018. But I think he -- you know, he was also  
24 expressing some fatigue with the business, and he was

Page 40

1 just ready to retire. He talked a lot about going to  
2 Florida where his brother has a year-round home. So  
3 he -- he talked quite a bit about retiring.  
4 Q. And when was it that Mr. Chiocca's wife  
5 retired, to your memory?  
6 A. June of 2018.  
7 Q. Right around the same time period?  
8 A. Yes, sir.  
9 Q. Did he mention to you that his wife was going  
10 to be retiring?  
11 A. Yes.  
12 Q. Now, Attorney Clifford, I'm going to ask you  
13 first, based on your memory, when it was and how it  
14 was that you first learned about anything having to do  
15 with an incident at town hall between Ms. Hall and  
16 Mr. Chiocca on May 1st of 2018.  
17 A. On Friday, May 18th of 2018, I was scheduled  
18 to be in Rockland at 11 o'clock for bargaining with  
19 the highway union. I was on my way there. In fact, I  
20 think I was just pulling up when I received a call  
21 from Ed Kimball, who told me that there had been some  
22 sort of incident between Mr. Chiocca and Ms. Hall.  
23 I'm not sure if he said it was exactly on May 1st, but  
24 he did tell me it was a couple of weeks prior. And



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1 that's when I first learned of it.

2 **Q. And this is a phone conversation with**

3 **Mr. Kimball where you're sitting in your car at the**

4 **parking lot of town hall in Rockland; is that right?**

5 A. That's correct.

6 **Q. Did Mr. Kimball tell you where he was?**

7 A. No, he did not.

8 **Q. Do you recall how long of a conversation it**

9 **was?**

10 A. It was probably at least ten minutes.

11 Mr. Kimball mentioned the fact and he -- he used the

12 term, you know, it's common practice to get, you know,

13 a blow job for a contract and -- you know, but he --

14 he indicated that Ms. Hall wasn't exactly sure what

15 had happened that night. The -- the details were

16 pretty sketchy.

17 But, from the beginning of the conversation,

18 you know, to me, you know, the next steps are -- are

19 really automatic. It's -- there's no debate, and I

20 talked with him about those next steps.

21 **Q. Before we get to the next steps, let's stay**

22 **on the conversation for a minute with Mr. Kimball.**

23 **First, was this a complete surprise to you?**

24 A. It was a complete shock to me.

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1 **Q. And had Mr. Chiocca, your close, personal**

2 **friend, said anything to you about this incident?**

3 MR. FRIEDMANN: Objection.

4 A. No, nothing at all.

5 **Q. Well, you were close personal friends as --**

6 **as of that moment, weren't you?**

7 A. Yes.

8 **Q. And had you interacted him -- with him in the**

9 **preceding 17 days of May?**

10 A. I recall specifically that I was there on

11 May 2nd, 2018. We had to do a recount for a school

12 committee race. I was in the office. I spoke with

13 Allan. He never mentioned it. Ms. Hall actually came

14 in sometime later and spoke to us briefly. Mike

15 brought a couple of young associates to observe the

16 recount. So she spoke to us briefly, but there was no

17 conversation about it.

18 **Q. Were you aware, at the time, that Mr. Chiocca**

19 **was the person designated within town hall to whom**

20 **reports of sexual harassment were to be made?**

21 A. He would be one of two; the HR person and

22 Mr. Chiocca.

23 **Q. Now, again, focusing on the conversation you**

24 **had with Mr. Kimball; first, you had known Mr. Kimball**

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1 **for a number of years at this point as well, correct?**

2 A. That's correct.

3 **Q. And, at that time, for several years he had**

4 **been the chair of the board of selectpersons, correct?**

5 A. That's correct.

6 **Q. And so I take it you interacted with him**

7 **frequently; is that right?**

8 A. I did. I did.

9 **Q. And what --**

10 A. Ed was a --

11 **Q. -- did you think of --**

12 A. Ed was a very --

13 **Q. I'm sorry.**

14 A. -- Ed was a very active chair. He was -- he

15 worked very hard at it, so we did have a lot of

16 communication.

17 **Q. And are you saying active in a positive way?**

18 A. Absolutely. Ed was one of the best selectmen

19 I had worked with; very thoughtful, very evenhanded,

20 had a pretty good way of dealing with board disputes.

21 He worked hard on other issues, like the Southfield

22 Redevelopment. Ed was a good selectman.

23 **Q. And, to your observation, was Mr. Kimball**

24 **someone who tried to get consensus amongst people and**

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1 **resolve disputes?**

2 A. Yes.

3 **Q. Did you ever know him to lash out at people?**

4 A. No. That was not really his style.

5 **Q. Did you -- it sounds like you thought very**

6 **highly of him; is that right?**

7 A. I did.

8 **Q. Now, when Mr. Kimball called you, and you**

9 **picked up on your cell phone and you began talking,**

10 **did he sound concerned to you?**

11 A. He -- he was very concerned. The facts he

12 described were that, you know, something improper had

13 happened to Ms. Hall. That's pretty much how he was

14 characterizing the whole thing.

15 **Q. And that's how you understood what he was**

16 **telling you?**

17 A. Yes.

18 **Q. Do you recall anything else about that**

19 **discussion -- that ten-minute discussion that you**

20 **haven't testified to thus far?**

21 A. I said to Ed, we need to speak to Allan about

22 it, and if there's anything to this, he's going to

23 have to be put on paid administrative leave and we're

24 going to have to do an investigation. And we agreed



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1 that we would meet there at 12:30.

2 **Q. That very day?**

3 A. That very day.

4 **Q. Okay. And have you now exhausted your memory**  
**5 about the conversation you had by phone with**  
**6 Mr. Kimball at around 11 o'clock in the morning on**  
**7 May 18th, 2018?**

8 A. Yes.

9 **Q. Now, what did you do when you got out of your**  
**10 car?**

11 A. I went in -- normally, I would meet with  
 12 Allan before we went into bargaining, and the  
 13 collective bargaining would normally take place in the  
 14 conference room next to Allan's office. Spoke with  
 15 Allan. The HR person came in at that time, Stacy  
 16 Callahan. I believe the highway superintendent, Dave  
 17 Taylor, also came in. Allan decided not to sit in on  
 18 the bargaining, which was not a big deal.

19 So Ms. Callahan, Mr. Taylor and I went in and  
 20 we bargained with the highway union for about an hour,  
 21 hour and a half.

22 **Q. And that would take us to approximately**  
**23 12:30?**

24 A. That's correct.

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1 **Q. Now, we'll get to what happened next in a**  
**2 moment.**

3 **But during that hour-and-a-half period, did**  
**4 Mr. Chiocca pull you aside to tell you anything?**

5 A. No.

6 **Q. Did he pull you aside to say that something**  
**7 terrible had happened to him at town hall on May 1st?**

8 A. No.

9 **Q. Did you understand that he knew you would be**  
**10 meeting with him and Mr. Kimball at 12:30?**

11 A. No --

12 **Q. You didn't --**

13 A. -- I didn't.

14 **Q. -- know one way or the other?**

15 A. No.

16 **Q. Okay. Did you subsequently learn that**  
**17 Mr. Kimball had already talked to Mr. Chiocca briefly**  
**18 the evening before?**

19 MR. FRIEDMANN: Objection.

20 A. I only found -- I only found that out  
 21 sometime later. Certainly, not in the immediate --  
 22 that day or the immediate days that followed. I  
 23 didn't know that he had a conversation with him  
 24 already.

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1 **Q. Now, at or about 12:30, did you meet with**  
**2 Mr. Chiocca?**

3 A. Mr. Kimball and I both met with Mr. Chiocca.

4 **Q. And where did that meeting take place?**

5 A. In his office, Allan Chiocca's office.

6 **Q. Do you recall whether you were all sat down**  
**7 at the conference table or anyone was standing up?**

8 A. I believe Mr. Kimball and I were seated.  
 9 Mr. Chiocca had a stand-up mechanism on his desk. He  
 10 freq -- frequently stood at his desk, as opposed to  
 11 sat at his desk. I think he was standing.

12 **Q. Now, I take it this was a pretty serious**  
**13 meeting in your mind; is that right?**

14 A. Very serious.

15 **Q. You went into a room knowing that a friend of**  
**16 yours was essentially being accused of a potential**  
**17 sexual assault; is that right?**

18 A. I don't know if it was characterized as a  
 19 sexual assault. Again, I think Mr. Kimball was decide  
 20 -- was fairly vague in talking about what happened,  
 21 but I -- I don't think it was -- he was being accused  
 22 of assault at that point.

23 **Q. Well, let me -- let me remove those words;**  
**24 that he was being accused of having done something**

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1 **improper sexually to Ms. Hall; is that fair?**

2 A. That's correct.

3 **Q. Were you concerned for your friend?**

4 A. Sure.

5 **Q. Were you concerned for the town?**

6 A. Very definitely.

7 **Q. So, I take it, you must have listened very**  
**8 carefully to the conversation that took place in that**  
**9 room?**

10 A. I did.

11 **Q. Okay. Before I ask you about the substance**  
**12 of the conversation, let me just ask, how long did the**  
**13 conversation, the meeting, last?**

14 A. Twenty to 30 minutes. It wasn't that long.

15 **Q. When you saw Mr. Chiocca, what did you**  
**16 observe about the expression on his face?**

17 A. I would say he was very stressed, very  
 18 anxious.

19 **Q. Okay. Now, at any point in that meeting, did**  
**20 Mr. Chiocca claim to you and Mr. Kimball that he had**  
**21 somehow been the victim of Ms. Hall?**

22 A. No, he did not.

23 **Q. Did he ever say to you that Ms. Hall had**  
**24 threatened his contract?**

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1 A. No, he did not.

2 **Q. Did he ever say to you and Mr. Kimball**  
**3 anything about Ms. Hall somehow sexually harassing**  
**4 him?**

5 A. No, he did not.

6 **Q. Did he use any words that even remotely**  
**7 suggested such a thing?**

8 A. He made comments to the effect that -- that  
 9 she was very aggressive, sexually.

10 **Q. And how did you understand those comments to**  
**11 mean -- what did you understand those comments to**  
**12 mean?**

13 A. That -- that she was probably somewhat  
 14 assertive, sexually. But, I mean, I will tell you, I  
 15 did not really -- I wasn't making any -- drawing any  
 16 conclusions one way or the other. One of the things  
 17 I've learned, having done this for a long time, is,  
 18 you know, the only thing -- the only rational step to  
 19 take, at that point, is to do an investigation --

20 **Q. We'll --**

21 A. -- which is what happened.

22 **Q. -- I -- I promise you we'll get to that,**  
**23 Mr. Clifford.**

24 A. Mm-hmm.

Page 50

1 **Q. At some point, did Mr. Chiocca -- and I'm not**  
**2 limiting it to this meeting -- brag to you that he had**  
**3 finished?**

4 A. He did.

5 **Q. And what did you understand that to mean?**

6 A. That he had completed the sexual act, that he  
 7 had ejaculated.

8 **Q. While Ms. Hall was giving him a blow job?**

9 A. That's correct.

10 **Q. And he was actually bragging about that to**  
**11 you; is that right?**

12 A. In -- in the context of what we were talking  
 13 about, I -- I couldn't come up with any other  
 14 explanation why he would say that, except to brag.

15 **Q. Did he suggest to you, in substance, that**  
**16 Ms. Hall had wanted him?**

17 A. Yes.

18 **Q. And was that consistent with some of the**  
**19 comments you had heard him make about young women in**  
**20 the past?**

21 A. I would say yes, it was.

22 **Q. Okay. Now, let me also ask you; did you take**  
**23 any notes at this meeting?**

24 A. No, I did not.

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1 **Q. Did you observe whether Mr. Chiocca made any**  
**2 notes at the meeting?**

3 A. I don't believe he did.

4 **Q. Or Mr. Kimball?**

5 A. I don't believe he did either.

6 **Q. Okay. Now, tell us, as best you can from**  
**7 your memory, who said what to whom during the meeting.**  
**8 And let's just take it beginning to end.**

9 A. I -- I believe I initiated the conversation  
 10 by saying that Ms. Hall had reported to Mr. Kimball  
 11 that there had been some sort of inappropriate sexual  
 12 conduct in town hall between her and Mr. Chiocca. And  
 13 -- and I didn't have to get that far and he admitted  
 14 that it had, in fact, taken -- it had, in fact, taken  
 15 place.

16 He immediately -- his biggest concern was  
 17 that his wife, his family, would find out. He just  
 18 wanted the whole thing to go away. That was really  
 19 his overarching concern. All -- that was really the  
 20 -- the brunt of his settle -- his sentiment during  
 21 this period; that he wanted this thing to go away,  
 22 that he was embarrassed by it, and he was afraid his  
 23 family was going to find out.

24 **Q. And he actually said that?**

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1 A. Yes, sir.

2 **Q. And have you completed your answer as to what**  
**3 you recall being said at the meeting?**

4 A. He indicated that he wanted the whole thing  
 5 to go away. And I said that -- you know, and he -- he  
 6 -- I think he talked about continuing to work, and I  
 7 said that that wouldn't be an option, that he -- that  
 8 he would have to probably go on paid administrative  
 9 leave.

10 But to put him on paid administrative leave,  
 11 we would have to convene a board -- a meeting of the  
 12 board of selectmen. He said -- I think it was his  
 13 suggestion that if he took time off, if he took  
 14 vacation. But he really -- he didn't push back on the  
 15 idea of getting out of there, but it was agreed that  
 16 he would take vacation and that -- until we decided  
 17 whether or not we were going forward with the -- an  
 18 investigation.

19 But it was made clear that the process for  
 20 any kind of an allegation like this was; we were going  
 21 to have to do an investigation.

22 **Q. Now, what, if anything, did Mr. Kimball say,**  
**23 to your recollection?**

24 A. I don't -- I don't recall that -- that he

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1 said much.

2 **Q. So he let you take the lead?**

3 A. Yes, sir.

4 **Q. Do you recall -- or -- strike that.**

5 **Have you now exhausted your memory of the**

6 **conversation?**

7 A. We finished the conversation. He said he was

8 going to go home. He was going to take vacation

9 leave. And I -- and I said, you know, we were going

10 to consult with the board and we'd be in touch.

11 **Q. And have you now finished?**

12 A. Yes.

13 **Q. I'm sorry. Have you now exhausted your**

14 **memory of the conversation?**

15 A. Yes. I -- I think I mentioned before, he did

16 make comments that she had been -- that she was

17 sexually aggressive. I think he threw that in a

18 couple of times, but that's pretty much the brunt of

19 it.

20 **Q. Now, from that meeting, at the time of its**

21 **conclusion, did you understand that Mr. Chiocca had**

22 **confessed to doing something inappropriate and,**

23 **essentially, was looking for a way out so that his**

24 **wife wouldn't find out?**

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1 MR. FRIEDMANN: Objection.

2 A. Yes. That was my understanding.

3 **Q. And is that a fair summary of the meeting?**

4 A. Yes.

5 MR. COOPER: Madam Reporter, I know you

6 need to take a break. Why don't we pause here for

7 five or ten minutes and give you your break.

8 MADAM COURT REPORTER: Thank so much,

9 sir. I really appreciate it.

10 (Off the record at 10:06 a.m.)

11 (Recess taken.)

12 (Back on the record at 10:31 a.m.)

13 BY MR. COOPER:

14 **Q. Good morning again, Mr. Clifford -- Attorney**

15 **Clifford.**

16 **Going back to the meeting that took place**

17 **between you and Mr. Kimball and Mr. Chiocca in**

18 **Mr. Chiocca's office at town hall, do you recollect**

19 **that, before the meeting broke, there was discussion**

20 **of a way to keep everything confidential and**

21 **nonpublic?**

22 A. I don't --

23 **Q. Let me see if --**

24 A. -- I don't --

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1 **Q. -- let me see if I can --**

2 A. -- I don't recall that discussion.

3 **Q. Do you recall a discussion coming up about a**

4 **nondisclosure agreement?**

5 A. Before the meeting with Mr. Chiocca, no.

6 **Q. No, no, during the meeting with Mr. Chiocca.**

7 A. I don't recall that specifically discussed,

8 no.

9 **Q. Okay. Do you recall it coming up at some**

10 **point that there would be a nondisclosure agreement?**

11 A. There was a lot of discussions about that

12 between the various attorneys.

13 **Q. And, at one point, was Mr. Kimball tasked to**

14 **inquire of Ms. Hall and her husband whether they would**

15 **be agreeable to that?**

16 A. I don't recall, specifically, that being

17 discussed. At that point, everyone was represented by

18 counsel, so I don't believe that to be the case.

19 **Q. Okay. Now, I'm going to read from -- you a**

20 **brief excerpt of Mr. Chiocca's deposition testimony in**

21 **this case given on July 12th of 2021.**

22 MR. COOPER: Counsel, it is at Page 242,

23 and I'm going to begin at Line 4 and read through

24 Line 8.

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1 BY MR. COOPER:

2 **Q. And, Mr. Clifford, I will represent to you**

3 **that the lawyer doing the questioning at this point**

4 **was Deirdre Hall's lawyer, Ellen Zucker, and she was**

5 **asking Mr. Chiocca about the same meeting I've just**

6 **asked you about.**

7 **So the question is by Ms. Zucker. Question:**

8 **The first time you spoke without -- with -- with John**

9 **Clifford, did you tell him that she -- referring to**

10 **Deirdre Hall -- had threatened your contract? Yes or**

11 **no?**

12 **Mr. Chiocca's answer: Yes.**

13 **Was Mr. Chiocca being truthful in that**

14 **answer?**

15 MR. FRIEDMANN: Objection.

16 A. I don't -- I don't recall that being said at

17 the meeting. And -- and if it was said, I wouldn't

18 have believed it.

19 **Q. Well, you have no memory of that being said,**

20 **correct?**

21 A. No, sir. No, sir.

22 **Q. And can you think of any basis, based upon**

23 **your participation in the meeting, that Mr. Chiocca**

24 **would swear to that under oath?**

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1 A. I believe he called me sometime later -- he  
2 called me sometime later that afternoon.  
3 **Q. And did he call you on your cell phone?**  
4 A. Yes, sir.  
5 **Q. And where were you?**  
6 A. I -- I believe I was driving. I think I was  
7 driving into Boston that day.  
8 **Q. And do you know where he was?**  
9 A. No idea.  
10 **Q. And what did he say to you and what did you**  
11 **say to him?**  
12 A. He really reiterated that his biggest concern  
13 was that his family not find out and try to find a way  
14 to make this thing -- the whole thing go away. I  
15 believe it was in that conversation where he  
16 acknowledged that he had completed the sexual act,  
17 which struck me as strange. But that was really the  
18 gist of the conversation, that he really wanted to  
19 find a way for the -- for the whole thing to -- to go  
20 away.  
21 **Q. How long of a conversation was this?**  
22 A. It would've been 15 or 20 minutes.  
23 **Q. And I understand you were driving, so I take**  
24 **it you didn't take notes?**

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1 A. That's correct.  
2 **Q. Was it just the two of you participating in**  
3 **this conversation?**  
4 A. Yes.  
5 **Q. Now, in this conversation, did Mr. Chiocca**  
6 **claim to you that he was somehow the victim of**  
7 **Ms. Hall?**  
8 A. No, he did not.  
9 **Q. Did he claim to you that she had threatened**  
10 **his contract?**  
11 A. No, he did not.  
12 **Q. Did he suggest to you that his receipt of a**  
13 **blow job from Ms. Hall was -- was somehow, in any way,**  
14 **shape or form, involuntary on his part?**  
15 A. No, he did not.  
16 **Q. And in this conversation, did he, in fact,**  
17 **say to you, that he had, quote, finished, closed**  
18 **quote?**  
19 A. Yes.  
20 **Q. Why would he say such a thing to you --**  
21 MR. FRIEDMANN: Objection.  
22 MR. COOPER: I've gotta finish my  
23 question, Jon.  
24 MR. FRIEDMANN: Sorry.

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1 BY MR. COOPER:  
2 **Q. What did you understand he was communicating**  
3 **to you when he told you that he had finished?**  
4 A. I -- I couldn't put it in any other context.  
5 In essence, despite the disastrous nature of the  
6 whole -- whole thing, that he was bragging. Because  
7 he had --  
8 **Q. That's how it got back --**  
9 A. -- he had, in fact, talked about that he said  
10 he had told her that, you know, he needed Cialis to be  
11 able to get it up and that he -- something to the  
12 effect of, I'm not your guy. But, you know, putting  
13 -- adding that comment that -- that he had actually  
14 finished, I mean, it -- you know, it certainly -- it  
15 came across to me as he was bragging about it.  
16 **Q. He was delighting in it; is that fair?**  
17 MR. FRIEDMANN: Objection.  
18 A. I -- I don't know if I would characterize  
19 delight as being any part of the conversation, but I  
20 think he was somewhat proud of that aspect of it.  
21 **Q. All right. So he was bragging to you, his**  
22 **friend, who happens to be another guy, right?**  
23 A. Yes.  
24 **Q. What was your reaction when he said that?**

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1 A. I -- I didn't really want to hear it. I  
2 don't know that I had any reaction -- any specific  
3 reaction.  
4 **Q. And I'm sorry if you've told us this already,**  
5 **but about what time of the day was this phone**  
6 **conversation?**  
7 A. I would probably say it was close to three  
8 o'clock or something along those lines.  
9 **Q. And have you now exhausted your memory about**  
10 **your call at approximately three o'clock with**  
11 **Mr. Chiocca?**  
12 A. Yes.  
13 **Q. When did you next communicate with**  
14 **Mr. Chiocca?**  
15 A. That Saturday morning.  
16 **Q. Do you know whether, between the three**  
17 **o'clock call on Friday and Saturday morning, he had**  
18 **tried to reach out to you?**  
19 A. I don't recall that he did.  
20 **Q. Okay. What time Saturday morning did you**  
21 **communicate with Mr. Chiocca?**  
22 A. It was probably late morning and maybe even  
23 early afternoon. It was after I had golfed.  
24 **Q. Was this in person or was this by phone?**

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1 investigation. But that would've taken a board vote  
2 at some point anyway.

3 **Q. Okay. Now, what, if any, further**  
4 **communication did you have with Mr. Chiocca directly**  
5 **after the Saturday late-morning call?**

6 A. On May 23rd, Wednesday, I was at the golf  
7 course and -- and by that time, Megan Bridges,  
8 Ms. Hall's attorney, at that point -- Mr. Shafran and  
9 I had had a number of conversations, exchanged a  
10 number of e-mails. And, by that Wednesday afternoon,  
11 May 23rd, we believed that we had a deal in principle  
12 to settle the whole matter and --

13 **Q. Now, Mr. Clifford, I'm sorry to interrupt**  
14 **you.**

15 A. Okay.

16 **Q. I will come back to this, but I neglected to**  
17 **ask you --**

18 A. Mm-hmm.

19 **Q. -- some follow-up questions on the late**  
20 **Saturday morning, May 19th, 2018, call.**

21 **Based upon the discussion that you had with**  
22 **Mr. Chiocca, in which you discussed his hiring a**  
23 **lawyer, did you understand that, as of that point, he**  
24 **had not yet talked to a lawyer?**

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1 A. Yes.

2 **Q. By the way, did he tell you where he had been**  
3 **the night before?**

4 A. No, he did not.

5 **Q. So, in the -- so this would've been the third**  
6 **conversation that you had with Mr. Chiocca about this**  
7 **matter before he talked to a lawyer; is that right?**

8 A. That's correct.

9 **Q. In this conversation, that Saturday late**  
10 **morning, did Mr. Chiocca tell you that he was the**  
11 **victim of Ms. Hall?**

12 A. No, he did not.

13 **Q. Did he tell you that she had threatened his**  
14 **contract?**

15 A. No, he did not.

16 **Q. Did he tell you that -- anything about**  
17 **Ms. Hall giving him a blow job had somehow been**  
18 **coerced or involuntary on his part?**

19 A. No, he did not.

20 **Q. Now -- thank you, and I'm sorry for the**  
21 **interruption. Let's go back to May 23rd.**

22 **And you were starting to say that, as of that**  
23 **date, you believed there was an agreement in principle**  
24 **to resolve the matter; is that right?**

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1 A. That's correct.

2 **Q. And what was the -- or strike that.**

3 **That was a agreement that you had negotiated**  
4 **with Mr. Shafran, correct?**

5 A. There were -- at that point, Ms. Hall's  
6 attorney had communicated that she really wanted the  
7 whole thing to go away. Mr. Shafran had a number of  
8 conversations that he wanted to have the whole thing  
9 go away and that Mr. Chiocca would be willing to leave  
10 as part of a package. There was a lot of discussion  
11 back and forth about nondisclosure agreements,  
12 et cetera, and my -- non-disparagement.

13 My position was that the town could not sign  
14 anything about non-disparagement, nondisclosure, with  
15 any of the parties involved. But if they wanted to  
16 negotiate those kinds of agreements with themselves  
17 and then come back to the town and basically get --  
18 negotiate releases from the town, then we could do  
19 that. And that -- that structure was laid out in  
20 pretty clear details between myself, Ms. Bridges --  
21 Attorney Bridges and Attorney Shafran.

22 **Q. Do you recall Mr. Shafran informing you by**  
23 **e-mail, in substance, that you had a deal?**

24 A. Yes, sir.

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1 **Q. And that deal was for Mr. Chiocca to leave**  
2 **his employment, correct?**

3 A. Yes.

4 **Q. For him to be paid a number of weeks; I**  
5 **believe into September of 2018, correct?**

6 A. That's correct.

7 **Q. And for him to be able to work with**  
8 **Mr. Kimball to fashion a public statement as to why he**  
9 **was leaving, correct?**

10 A. There was some back-and-forth on that.  
11 Mr. -- I think Attorney Shafran had originally  
12 requested, on behalf of Mr. Chiocca, that he'd be  
13 allowed to come to a selectmen's meeting and do kind  
14 of a farewell. I said that I did not think that that  
15 was something that was going to be acceptable to the  
16 board at that point.

17 At that point, you know, among the other  
18 board members, not Ms. Hall, I think there was a lot  
19 of frustration and anger with Mr. Chiocca. We hadn't  
20 nailed down that part of it, but most of the details,  
21 as of that Wednesday afternoon, were pretty much  
22 finalized.

23 **Q. Okay. And you believed you had a deal?**

24 A. Yes, sir.



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1 **Q. And, ultimately, the town engaged Regina**  
2 **Ryan, correct?**  
3 A. We did, shortly after that. But just to keep  
4 it chronologically, those --  
5 **Q. Well, I know I'm skipping ahead.**  
6 A. Yeah.  
7 **Q. I know I'm skipping ahead.**  
8 A. Okay.  
9 **Q. After May 23rd, at some point, the town**  
10 **engaged Regina Ryan, correct?**  
11 A. Correct.  
12 **Q. And, again, so the record is clear, you never**  
13 **sat for an interview with Ms. Ryan, correct?**  
14 A. That's correct.  
15 **Q. And she never asked to interview you,**  
16 **correct?**  
17 A. That's correct.  
18 **Q. At some point, you received a draft report**  
19 **entitled, "Investigation of Complaints Against Deirdre**  
20 **Hall and Allan Chiocca - Findings of Fact, Conclusions**  
21 **and Recommendations"; is that right?**  
22 A. Yes.  
23 **Q. And did that happen during or about the first**  
24 **week of July of 2018?**

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1 A. Yes.  
2 MR. COOPER: I'm going to ask my  
3 colleague, who is far more technically savvy than me,  
4 Ms. Dunn, to bring up this document on the screen  
5 share (indicating).  
6 (Pause.)  
7 MS. DUNN: (Complied.)  
8 MR. COOPER: Has this been marked as an  
9 exhibit already?  
10 MS. DUNN: No, it has not.  
11 MR. COOPER: Okay. So this is going to  
12 be Attorney John Clifford Exhibit 1.  
13 (Exhibit 1 marked for identification.)  
14 MR. COOPER: Can everybody see that? I  
15 know you can't see the whole thing, but is it, at  
16 least, up on your screens?  
17 THE DEPONENT: (Viewing exhibit.) I can  
18 see that.  
19 MR. COOPER: Okay. And could you just  
20 scroll so he can see the whole thing?  
21 MS. DUNN: (Complied.)  
22 BY MR. COOPER:  
23 **Q. And, Mr. Clifford, take -- take a moment and**  
24 **read it, and let me know when you're done, please.**

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1 A. (Deponent viewing exhibit.)  
2 MS. DUNN: This is July 12th, so you want  
3 the July 6th, right?  
4 MR. COOPER: I'm sorry, we have the wrong  
5 one up. July -- I'm looking for one from July 6th,  
6 2018.  
7 MS. DUNN: All right. This one  
8 (indicating).  
9 BY MR. COOPER:  
10 **Q. Okay. So, if you could, read that e-mail and**  
11 **let me know when you're done.**  
12 MR. COOPER: And, Tara, could you  
13 collapse it a little bit? Because, at least on my  
14 screen, it's partially blocked.  
15 MS. DUNN: (Complied.)  
16 A. (Deponent viewing exhibit.) I -- I finished  
17 reading it.  
18 MR. COOPER: Okay. As long as everyone  
19 -- can everybody see it to their satisfaction?  
20 (No response.)  
21 MR. COOPER: Okay. Hearing no protest...  
22 BY MR. COOPER:  
23 **Q. Now, by July 6th, 2018, at noon, you had**  
24 **received a copy of Regina Ryan's draft report,**

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1 **correct?**  
2 A. Yes.  
3 **Q. And you sent it on that date, at 11:52 a.m.,**  
4 **to Attorney Adam Shafran, correct?**  
5 A. Yes.  
6 **Q. And you accompanied it with an e-mail from**  
7 **you, right?**  
8 A. Yes.  
9 **Q. And, among other things, you said that the**  
10 **document, quote, is a confidential personnel record**  
11 **and improper release or disclosure of that document**  
12 **may result in an unwarranted invasion of privacy for**  
13 **persons named in the document, closed quote.**  
14 **Have I read that correctly?**  
15 A. (Deponent viewing exhibit.) Yes.  
16 **Q. And then, in the same paragraph, you go on to**  
17 **say, quote, It -- referring to the report -- may not**  
18 **be released or distributed without the permission of**  
19 **the Rockland Board of Selectmen, closed quote.**  
20 **Have I read that correctly?**  
21 A. (Deponent viewing exhibit.) It actually  
22 says, "without the written permission of the Rockland  
23 Board of Selectmen."  
24 **Q. I'm sorry if I misspoke. "Without the**

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1 written permission of the Rockland Board of  
2 Selectmen."  
3 With that change, have I read it correctly?  
4 A. (Deponent viewing exhibit.) That's correct.  
5 Q. And this was a -- was there any ambiguity in  
6 the message you were delivering to Mr. Shafran --  
7 A. No.  
8 Q. -- at that time?  
9 A. No, there was not.  
10 Q. And -- and, at the time, Mr. Chiocca was  
11 still employed in the Town of Rockland, correct?  
12 A. Yes.  
13 Q. And did you understand that Mr. Chiocca had  
14 an obligation to follow the directions of the board of  
15 selectpersons as communicated through town counsel at  
16 that time?  
17 A. I believe he had an obligation to follow that  
18 directive, yes.  
19 Q. And his failure to do so would be,  
20 potentially, grounds for him to be disciplined or  
21 fired, correct?  
22 A. Potentially, yes.  
23 Q. And this was a serious matter, the privacy of  
24 this report, correct?

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1 A. Yes.  
2 Q. And, in fact, there were legal issues  
3 involved here about the confidentiality of personnel  
4 records, correct?  
5 A. Yes.  
6 Q. Would you agree with me that there were also,  
7 in your view, moral and personal issues involved here  
8 about keeping sensitive personal information private?  
9 A. Yes.  
10 Q. In other words, there was decency involved  
11 here as well, correct?  
12 A. Yes.  
13 Q. Now, you forwarded a hard copy of the report  
14 --  
15 MR. COOPER: And, Ms. Dunn, if you can,  
16 just bring that up and -- just the first page -- well,  
17 bring the whole thing up, but put it on the first  
18 page.  
19 (Pause.)  
20 MS. DUNN: Oh, hold on.  
21 MR. COOPER: I think you need to --  
22 MS. DUNN: Sorry about that. Stop  
23 sharing.  
24 MR. COOPER: Yeah. Sorry for the delay.

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1 MS. DUNN: (Complied.)  
2 MR. COOPER: Here we go.  
3 Can you go to the top of the page, just so we  
4 can see it?  
5 MS. DUNN: (Complied.)  
6 MR. COOPER: So let's mark this as -- as  
7 Exhibit 2, please.  
8 And if I neglected to mark the prior  
9 document, that should be Exhibit 1, okay, Madam  
10 Reporter?  
11 MADAM COURT REPORTER: It's all set, sir.  
12 MR. COOPER: Okay. Thank you.  
13 (Exhibit 2 marked for identification.)  
14 BY MR. COOPER:  
15 Q. And this is the front page of the document  
16 that you forwarded to Mr. Shafran, right?  
17 A. (Deponent viewing exhibit.) That's correct.  
18 Q. And I just want to note, the title of the  
19 document is "Investigation of Complaints Against  
20 Deirdre Hall and Allan Chiocca, Findings of Fact,  
21 Conclusions and Recommendations."  
22 Have I read that correctly?  
23 A. (Deponent viewing exhibit.) That's correct.  
24 Q. And that's what Ms. Ryan was tasked to do, to

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1 investigate complaints against Deirdre Hall and Allan  
2 Chiocca, right?  
3 A. That's correct.  
4 Q. She wasn't tasked to investigate Ed Kimball,  
5 was she?  
6 A. No, she was not.  
7 Q. And Mr. Kimball was never told that he was  
8 somehow the subject of an investigation, was he?  
9 A. I don't know if he was or he wasn't.  
10 Q. Well, you didn't tell him, right?  
11 A. No, I did not.  
12 Q. And you never told Ms. Ryan that she should  
13 be investigating Ed Kimball, did you?  
14 A. No.  
15 Q. That was never approved by the board of  
16 selectpersons, was it?  
17 A. Not explicitly, no.  
18 MR. COOPER: Now, could you scroll down  
19 so we can see the logo and --  
20 MS. DUNN: (Complied.)  
21 BY MR. COOPER:  
22 Q. I don't know whether you can see the whole  
23 thing. I'm just going to read it.  
24 Did you place this logo on the report?



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1 A. (Deponent viewing exhibit.) Yes, I did.  
 2 **Q. And that logo --**  
 3 A. My staff -- my staff did, I should say.  
 4 **Q. Understood. Your -- and that logo appears on**  
 5 **each and every page of the report, correct?**  
 6 A. Correct.  
 7 **Q. And, for the record, it reads, "Confidential**  
 8 **Personnel Record to Adam Shafran, Esq. representing**  
 9 **Allan Chiocca, not to be released or distributed**  
 10 **without the permission of the Rockland Board of**  
 11 **Selectmen."**  
 12 **Have I read that correctly?**  
 13 A. (Deponent viewing exhibit.) Yes.  
 14 **Q. Was there anything ambiguous about what you**  
 15 **told Mr. Shafran?**  
 16 MR. FRIEDMANN: Objection.  
 17 A. No.  
 18 **Q. And, in your view, had you made it crystal**  
 19 **clear to him, and through him to his client, that this**  
 20 **report was not to be released without the prior**  
 21 **written permission of the board of selectpersons in**  
 22 **Rockland?**  
 23 A. Yes.  
 24 **Q. Now, you are aware that Mr. Shafran and --**

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1 authorized by Mr. Chiocca, in fact, released the  
 2 report to the media, correct?  
 3 A. Yes.  
 4 **Q. Were you shocked by that?**  
 5 A. Yes.  
 6 **Q. Did you believe that it was in breach of the**  
 7 **warnings that you had provided to Mr. Shafran and,**  
 8 **through him, to Mr. Chiocca?**  
 9 MR. FRIEDMANN: Objection.  
 10 A. Yes.  
 11 **Q. Did you think that it was an indecent thing**  
 12 **for them to do?**  
 13 MR. FRIEDMANN: Objection.  
 14 A. Yes.  
 15 **Q. Did you believe it constituted an invasion of**  
 16 **privacy of, among others, Mr. Kimball, as you had**  
 17 **warned in your e-mail to Mr. Shafran of July 6th?**  
 18 MR. FRIEDMANN: Objection.  
 19 A. I believed it could've been constituting  
 20 invasion of privacy for any of the people involved.  
 21 **Q. Including Mr. Kimball, correct?**  
 22 A. Yes.  
 23 **Q. Who was not the subject matter of Regina**  
 24 **Ryan's investigation, correct?**

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1 **I should say; who was not the subject of**  
 2 **Regina Ryan's investigation that had been authorized**  
 3 **by the town, correct?**  
 4 A. I want to be clear that Ms. Ryan was tasked  
 5 to investigate the incident. And to the degree that  
 6 any person was involved in the incident, she would  
 7 normally investigate those persons as well, so.  
 8 **Q. That's not what I'm suggesting, sir.**  
 9 **This was not a investigation of complaints**  
 10 **against Ed Kimball, was it?**  
 11 A. Not -- not explicitly, no.  
 12 MR. COOPER: Okay. I have no further  
 13 questions. Thank you. I pass the witness.  
 14 Thank you, Mr. Clifford.  
 15 THE DEPONENT: Thank you.  
 16 MR. CROTTY: Can we take five and put us  
 17 in a breakout room before we --  
 18 MR. COOPER: Sure.  
 19 MR. CROTTY: -- before we go on?  
 20 MR. COOPER: Sure. And, Madam Reporter,  
 21 I timed this so that you could have your hourly break.  
 22 MADAM COURT REPORTER: Thank you very  
 23 much.  
 24 (Off the record at 11:05 a.m.)

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1 (Recess taken.)  
 2 (Back on the record at 11:27 a.m.)  
 3  
 4 CROSS EXAMINATION  
 5 BY MR. CROTTY:  
 6 **Q. Attorney Clifford, it's Attorney Jason**  
 7 **Crotty.**  
 8 **How are you doing?**  
 9 A. Good, thank you.  
 10 **Q. I just have a -- a few questions for you.**  
 11 **I -- I promise I won't belabor it, and, pardon me in**  
 12 **advance, I'm going to jump around a little bit.**  
 13 **Let me ask you first, with respect to**  
 14 **Ms. Ryan -- Attorney Ryan's investigation, do you know**  
 15 **who provided the -- the list of individuals for her to**  
 16 **interview in the course of her investigation?**  
 17 A. I don't believe any such list was given to  
 18 her.  
 19 **Q. Do you know how she determined who to**  
 20 **interview or who not to interview?**  
 21 A. I -- I think she determines who, based on --  
 22 you know, she would speak to the complainant in a  
 23 normal situation. This way, I -- would speak to the  
 24 complainant, speak to the employer, try to figure out

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1 I had ever heard it. I have never heard that said  
2 by --  
3 **Q. Have you --**  
4 **A. -- Mr. Chiocca.**  
5 **Q. -- have you heard anybody make an allegation**  
6 **that Mr. Chiocca has referred to Ms. Hall that way?**  
7 **A. I don't believe so.**  
8 **Q. If you had heard such a reference made by**  
9 **Mr. Chiocca about Ms. Hall, would you have commenced**  
10 **an investigation of it?**  
11 **A. I would've reported it to the board.**  
12 **Q. Okay. With regard to the allegation that**  
13 **Mr. Chiocca called Mr. Mullen "the girl," have you**  
14 **ever heard that from Mr. Chiocca?**  
15 **A. No.**  
16 **Q. Have you ever heard it from any other source?**  
17 **A. Not until today, no.**  
18 **Q. Okay. If you had, what steps would you have**  
19 **taken, if any?**  
20 **A. I think I probably would've reported it to**  
21 **the chair.**  
22 **Q. If you had been told that Mr. Chiocca was**  
23 **undertaking sexual talk with other employees of the**  
24 **city -- excuse me -- the Town of Rockland, what steps**

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1 **would you have undertaken?**  
2 **A. I definitely would've spoken to him about it,**  
3 **and I may have also reported it to the chair as well.**  
4 **Q. Did such event ever occur?**  
5 **A. No.**  
6 **MR. FRIEDMANN: All right. Why don't we**  
7 **take a five-minute break and then I'll let you know if**  
8 **I have any more questions.**  
9 **MR. COOPER: That's fine.**  
10 **(Off the record at 12:33 p.m.)**  
11 **(Recess taken.)**  
12 **(Back on the record at 12:49 p.m.)**  
13 **BY MR. FRIEDMANN:**  
14 **Q. Mr. Clifford, do you recall, on May 29, 2018,**  
15 **the issuance of a notice of placement on paid**  
16 **administrative leave?**  
17 **A. Yes.**  
18 **Q. That's with regard to Mr. Chiocca?**  
19 **A. Yes.**  
20 **Q. Let me read to you from that document. It's**  
21 **Bates-stamped AC00247. The first paragraph, the last**  
22 **sentence, "The alleged misconduct took place between**  
23 **May 1, 2018 and May 2, 2018, however, the scope of**  
24 **this investigation may include other conduct if**

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1 **discovered by the Town."**  
2 **Do you recall that language in that -- that**  
3 **notice?**  
4 **A. Yes.**  
5 **Q. Okay. Were you the one that wrote this**  
6 **notice?**  
7 **A. Yes.**  
8 **Q. And then you -- it was signed by Ed Kimball**  
9 **as chairman of the board of selectmen for the Town of**  
10 **Rockland, correct?**  
11 **A. Correct.**  
12 **Q. At any point in time, subsequent to**  
13 **May 29, 2018, was there any other conduct discovered**  
14 **by the town pursuant to which the scope of the**  
15 **investigation was changed?**  
16 **MR. CROTTY: Objection.**  
17 **A. I'm not aware of any other conduct.**  
18 **Q. Okay. Further down in the letter in the**  
19 **fifth paragraph, the second sentence, "If further**  
20 **disciplinary action up to and including termination is**  
21 **found to be warranted according to the results of this**  
22 **investigation, you will be notified as soon as**  
23 **possible."**  
24 **Do you recall that language?**

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1 **MS. ZUCKER: Objection.**  
2 **A. I haven't looked at that document in some**  
3 **time.**  
4 **Q. Okay. Well, are you aware of whether any**  
5 **time, subsequent to May 29, 2018, further disciplinary**  
6 **action as a result of the investigation -- I'm sorry**  
7 **-- let me start that over again.**  
8 **Are you aware if a notice in writing of any**  
9 **further disciplinary action against Mr. Chiocca was**  
10 **issued by the town after May 29, 2018?**  
11 **A. I'm not aware of any.**  
12 **Q. Okay. You are aware that, on**  
13 **November 20, 2018, a further notice of placement on**  
14 **paid administrative leave was issued by the town,**  
15 **correct?**  
16 **A. I don't specifically recall that document.**  
17 **Q. Do -- do you recall that in -- on**  
18 **November 20, 2018, there was a vote taken by the**  
19 **selectmen to continue the administrative leave for**  
20 **Mr. Chiocca to the -- until the end of his contract?**  
21 **A. I -- I don't recall a specific date. I do**  
22 **recall that vote, yes.**  
23 **Q. Okay. But that was a vote that was taken**  
24 **after the two new selectpeople -- persons were elected**

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Town of Rockland, et al.

John Clifford, Esq.  
September 15, 2021

<p style="text-align: right;">Page 153</p> <p>1 A. Yes.</p> <p>2 <b>Q. Okay. And did she ask you any questions</b></p> <p>3 <b>about his attitudes towards women that you'd observed?</b></p> <p>4 A. No.</p> <p>5 MR. COOPER: I have nothing further.</p> <p>6 Thank you again, Mr. -- Attorney Clifford.</p> <p>7 THE DEPONENT: Thank you.</p> <p>8 MS. ZUCKER: We have nothing further.</p> <p>9 MR. SHAFRAN: Let's hop in a breakout</p> <p>10 room for just one second, Jon.</p> <p>11 MR. FRIEDMANN: Okay. Jason, did you</p> <p>12 have any further questions before we break?</p> <p>13 MR. CROTTY: I don't.</p> <p>14 MR. FRIEDMANN: Okay.</p> <p>15 (Off the record at 1:06 p.m.)</p> <p>16 (Recess taken.)</p> <p>17 (Back on the record at 1:16 p.m.)</p> <p>18 MS. ZUCKER: I have no further questions</p> <p>19 at this time.</p> <p>20 MR. COOPER: I have no further questions,</p> <p>21 but I think I said that already.</p> <p>22 MR. CROTTY: Yeah, so I think we're done.</p> <p>23 MS. ZUCKER: Nor do we. Thank you.</p> <p>24 MR. COOPER: Mr. Clifford and Jaime,</p>	<p style="text-align: right;">Page 155</p> <p>1 MADAM COURT REPORTER: Okay. So we'll go</p> <p>2 next to Attorney Friedmann.</p> <p>3 MR. COOPER: By the way, I will be</p> <p>4 responsible for forwarding it to you, Mr. Clifford,</p> <p>5 for review.</p> <p>6 THE DEPONENT: Thank you.</p> <p>7 MR. COOPER: I'll send that through your</p> <p>8 lawyer.</p> <p>9 MS. HALEM: It goes to me because I'm for</p> <p>10 all of us. Minuscript, electric, yes, we -- excuse</p> <p>11 me, my brain's not working. Yeah, we need a</p> <p>12 transcript. No rush, no nothing. All fine.</p> <p>13 MADAM COURT REPORTER: Okay. Attorney</p> <p>14 Zucker?</p> <p>15 MS. CIESLAK: That will be me, and I -- I</p> <p>16 just want a PDF copy, full size.</p> <p>17 MADAM COURT REPORTER: You've got it.</p> <p>18 Okay. And Attorney Crotty?</p> <p>19 MR. CROTTY: Yeah, I'll take a PDF as</p> <p>20 well; full size.</p> <p>21 (Deposition of JOHN CLIFFORD, ESQUIRE,</p> <p>22 concluded at 1:18 p.m.)</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 154</p> <p>1 thank you both.</p> <p>2 THE DEPONENT: Thank you.</p> <p>3 MS. KENNY: Thank you.</p> <p>4 MADAM COURT REPORTER: Please don't hang</p> <p>5 up yet. This is Laurie Berg, the court reporter. I</p> <p>6 need to do the orders and then I have a few spellings.</p> <p>7 So I'm going to ask the attorneys to please</p> <p>8 state what you'd like to order for your transcript,</p> <p>9 meaning the form of the transcript, if the ten-day</p> <p>10 turnaround time is okay and if you need anything</p> <p>11 special like a rough.</p> <p>12 And can we please start with Attorney Cooper?</p> <p>13 MR. COOPER: We would like the deposition</p> <p>14 transcript, yes. Is that the question? I'm sorry. I</p> <p>15 wasn't paying attention.</p> <p>16 (Laughter.)</p> <p>17 MADAM COURT REPORTER: I just want to</p> <p>18 know how you wanted to receive it.</p> <p>19 Does O'Brien &amp; Levine already know how you</p> <p>20 like your transcript?</p> <p>21 MR. COOPER: I think so.</p> <p>22 MADAM COURT REPORTER: That's fine. Then</p> <p>23 I will tell them you want your usual format.</p> <p>24 MR. COOPER: Okay.</p>	<p style="text-align: right;">Page 156</p> <p>1 COMMONWEALTH OF MASSACHUSETTS</p> <p>2 MIDDLESEX, SS.</p> <p>3</p> <p>4 I, Laurie J. Berg, Certified Court Reporter,</p> <p>5 Registered Professional Reporter, Certified Realtime</p> <p>6 Reporter, Certified LiveNote Reporter, Certified</p> <p>7 eDepoze Reporter and Notary Public, in and for the</p> <p>8 Commonwealth of Massachusetts, do hereby certify that</p> <p>9 pursuant to appropriate notice of taking deposition,</p> <p>10 there remotely appeared before me the following named</p> <p>11 person, to wit: JOHN CLIFFORD, ESQUIRE, who was by me</p> <p>12 duly sworn; that he was thereupon examined upon his</p> <p>13 oath and his examination reduced to writing by me; and</p> <p>14 that the deposition is a true record of the testimony</p> <p>15 given by the witness.</p> <p>16 IN WITNESS WHEREOF, I have hereunto set my</p> <p>17 hand and seal this 26th day of September, 2021.</p> <p>18</p> <p>19 My commission expires:</p> <p>20 September 14, 2023</p> <p>21</p> <p>22 </p> <p>23</p> <p>24 Notary Public</p>